

KELLER BENVENUTTI KIM LLP
Jane Kim (#298192)
(jkim@kbkllp.com)
David A. Taylor (#247433)
(dtaylor@kbkllp.com)
Thomas B. Rupp (#278041)
(trupp@kbkllp.com)
650 California Street, Suite 1900
San Francisco, CA 94108
Tel: 415 496 6723
Fax: 650 636 9251

Attorneys for Debtors and Reorganized Debtors

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:
PG&E CORPORATION,
- and -
**PACIFIC GAS AND ELECTRIC
COMPANY,**

- Affects PG&E Corporation
 - Affects Pacific Gas and Electric Company
 - Affects both Debtors

** All papers shall be filed in the Lead Case, No. 19-30088 (DM).*

| Bankruptcy Case No. 19-30088 (DM)

Chapter 11

(Lead Case) (Jointly Administered)

**DECLARATION OF MARK A. HABIB IN
SUPPORT OF REPLY IN SUPPORT OF
REORGANIZED DEBTORS' ONE
HUNDRED SEVENTH OMNIBUS
OBJECTION TO CLAIMS (MCCOLM
CLAIMS)**

[Related to Docket No. 11227]

Date: November 9, 2021

Time: 10:00 a.m. (Pacific Time)

Place: (Tele/Videconference Appearances Only)
United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102

1 I, Mark A. Habib, pursuant to section 1746 of title 28 of the United States Code, hereby declare
2 under penalty of perjury that the following is true and correct to the best of my knowledge, information,
3 and belief:

4 1. I am a partner with Peters, Habib, McKenna, Juhl-Rhodes & Cardoza LLP, counsel to
5 Pacific Gas and Electric Company in *Pacific Gas and Electric Company v. McColm*, (No. 10 CV 065)
6 (the “**Superior Court Action**”), the action in the Superior Court regarding PG&E’s easement on the
7 McColm property, and the Appeal¹ of the Judgment in that action currently pending before the Court of
8 Appeal. I am licensed to practice law in the State of California. I submit this Declaration in support of
9 the *Reply in Support of Reorganized Debtors’ One Hundred Seventh Omnibus Objection to Claims*
10 (*McColm Claims*) (the “**Reply**”), filed contemporaneously herewith, and in further support of the
11 *Reorganized Debtors’ One Hundred Seventh Omnibus Objection to Claims (McColm Claims)* [Docket
12 No. 11227] (the “**Omnibus Objection**”).

13 2. If called upon to testify, I would testify competently to the facts set forth in this
14 Declaration. I am authorized to submit this declaration on behalf of the Reorganized Debtors.

15 3. Attached hereto as **Exhibit A** is a true and correct copy of the *Trial Brief of Plaintiff and*
16 *Cross-Defendant Pacific Gas and Electric Company*, filed in the Superior Court Action on or about
17 May 20, 2015, prior to a trial which would last about nine days.

18 4. Attached hereto as **Exhibit B** is a photograph of a portion of the McColm property. I
19 have visited this location and am familiar with the contents of this photograph. The photograph is taken
20 from the gate on Deadwood Road (a county road that runs along the McColm-owned property) facing
21 towards the Trinity River located behind the power poles shown in the picture. Three PG&E utility poles
22 are in the center of the photo, approximately three hundred feet from the Deadwood Road gate. Based
23 on information and belief, the Deadwood Road gate is not the gate generally used by Ms. McColm for
24 access to her residence. There is another gate, located much nearer to her residence, that provides access
25 to her residence and the rest of her property, including the PG&E equipment that lies on the easement.

26 5. Attached hereto as **Exhibit C** is a Google Maps image that includes the McColm

27 ¹ Capitalized terms used but not otherwise defined herein have the meanings ascribed to such terms in
28 the Omnibus Objection or the Reply, as applicable.

property.² I am generally familiar with the topography of the area and the location of the power lines on the McColm property shown in Exhibit C. The Trinity River runs generally north/south through the center of the image. The PG&E substation is marked on the west side of the river. The PG&E power lines travel from the substation northeast across the river where they enter the McColm property on the east side of the river. The lines reach the marked poles about 150 feet from the river and then bend northward toward the neighboring property. From the poles, the gate on Deadwood Road lies approximately 300 feet to the east. This is the same gate as that in the Exhibit B photograph. The structure southeast of the poles is on the McColm property (visible in the Exhibit B photograph). The structure northwest of the poles lies on the neighboring property.

6. Attached hereto as **Exhibit D** is a true and correct copy (without exhibits) of the *Request for Emergency Order* filed by Ms. McColm in the Appeal and dated October 29, 2021.

7. Attached hereto as **Exhibit E** is a true and correct copy of an order dated October 29, 2021, by the Court of Appeal denying Ms. McColm's request attached as Exhibit D.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed this 1st day of November, 2021.

/s/ Mark A. Habib
Mark A. Habib

² The image is available at: <https://www.google.com/maps/@40.7119537,-122.8062387,237m/data=!3m1!1e3>